

**Section II**  
**Amendments to the Claims**

Please amend claim 6 as set forth below.

**Complete Listing of the Claims**

Upon entry of the present amendment, the claims will stand as follows. The following listing of the claims will replace all prior versions and listings of the claims in the present application:

1. (Withdrawn) An isolated nucleic acid molecule encoding the protein cyplasin with a deleted or non-functional secretory signal sequence, being selected from the group consisting of
  - (a) a nucleic acid molecule encoding a protein comprising the amino acid sequence from position 20 or 53 to position 558 of the sequence marked with "L" of Figure 2(a) (SEQ ID NO: 1);
  - (b) a nucleic acid molecule comprising the sequence of Figure 2(b) (SEQ ID NO: 5);
  - (c) a nucleic acid molecule the nucleic acid sequence of which deviates from the nucleic sequences specified in (a) or (b) due to the degeneration of the genetic code; and
  - (d) a nucleic acid molecule, which represents a fragment, derivative or allelic variation of a nucleic acid sequence specified in (a), (b) or (c).
2. (Withdrawn) A recombinant vector containing a nucleic acid molecule of claim 1.
3. (Withdrawn) The recombinant vector of claim 2 wherein the nucleic acid molecule is operatively linked to regulatory elements allowing transcription and synthesis of a translatable RNA in prokaryotic and/or eukaryotic host cells.
4. (Withdrawn) A recombinant host cell which contains the recombinant vector of claim 2.
5. (Withdrawn) The recombinant host cell of claim 4, which is a mammalian cell, a bacterial cell, an insect cell or a yeast cell.
6. (Currently Amended) An isolated protein, with a deleted or non-functional secretory signal sequence, encoded by a nucleic acid molecule selected from the group consisting of:

(a) a nucleic acid molecule encoding a protein comprising the amino acid sequence from position 20 or 53 to position 558 of SEQ ID NO: 1, wherein the protein has a deleted or non-functional secretory signal sequence;

(b) a nucleic acid molecule comprising the sequence of SEQ ID NO: 5; and

(c) a nucleic acid molecule, the nucleic acid sequence of which deviates from the nucleic sequences specified in (a) or (b) due to the degeneration of the genetic code; ~~and~~

~~(d) a nucleic acid molecule, which represents a fragment, derivative or allelic variation of a nucleic acid sequence specified in (a), (b) or (c).~~

7. (Withdrawn) A method of making a protein exhibiting biological properties of cyplasin comprising:

(a) culturing a recombinant host cell containing a recombinant vector containing a nucleic acid molecule encoding the protein cyplasin with a deleted or non-functional secretory signal sequence, the nucleic acid molecule being selected from the group consisting of:

(i) a nucleic acid molecule encoding a protein comprising the amino acid sequence from position 20 or 53 to position 558 of SEQ ID NO: 1;

(ii) a nucleic acid molecule comprising the sequence of SEQ ID NO: 5;

(iii) a nucleic acid molecule the nucleic acid sequence of which deviates from the nucleic sequences specified in (i) or (ii) due to the degeneration of the genetic code; and

(iv) a nucleic acid molecule, which represents a fragment, derivative or allelic variation of a nucleic acid sequence specified in (i), (ii) or (iii)

under conditions such that said protein is expressed; and

(b) recovering said protein.

8. (Withdrawn) A method of making a cytotoxic protein in eukaryotic host cells comprising:

(a) culturing a host cell transfected with a nucleic acid sequence selected from the group consisting of:

- (i) a nucleic acid molecule encoding a protein comprising the amino acid sequence from position 20 or 53 to position 558 of SEQ ID NO: 1;
- (ii) a nucleic acid molecule comprising the sequence of SEQ ID NO: 5;
- (iii) a nucleic acid molecule the nucleic acid sequence of which deviates from the nucleic sequences specified in (i) or (ii) due to the degeneration of the genetic code; and
- (iv) a nucleic acid molecule, which represents a fragment, derivative or allelic variation of a nucleic acid sequence specified in (i), (ii) or (iii)

wherein the nucleic acid sequence encodes a protein with a deleted or non-functional secretory signal sequence under conditions such that said protein is expressed; and

(b) recovering said protein, wherein said recovered protein is cytotoxic for said eukaryotic cells when secreted from said cells or when externally applied.

9. (Withdrawn) The method of claim 8 wherein the eukaryotic cells are mammalian cells.
10. (Withdrawn) A pharmaceutical composition comprising a nucleic acid molecule of claim 1.
11. (Withdrawn) The pharmaceutical composition according to claim 10, wherein the composition is used for treating cancer.
12. (Previously presented) A pharmaceutical composition comprising a protein of claim 6.
13. (Previously presented) The pharmaceutical composition according to claim 12, wherein the composition is used for treating cancer.
14. (Previously presented) The protein of claim 6, wherein the protein is cyplasins with a deleted or non-functional signal sequence.
15. (Previously presented) The protein of claim 6, wherein the protein exhibits biological properties of cyplasins.